



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. Box 4979
JACKSONVILLE, FLORIDA 32232-0019

REPLY TO
ATTENTION OF

Regulatory Division

June 23, 2009

PUBLIC NOTICE

Regional General Permit SAJ-86
SAJ-2004-1861

Residential, Commercial, Residential, and Institutional Fill in
West Bay, Lake Powell, and Choctawhatchee Bay Basins
Bay and Walton Counties, Florida

TO WHOM IT MAY CONCERN: On June 23, 2009 the Jacksonville District, U.S. Army Corps of Engineers (Corps) reissued Regional General Permit SAJ-86 (SAJ-86) pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344), as described below. A copy of the reissued SAJ-86 is attached to this public notice. As soon as possible, a copy of the reissued SAJ-86 and its updated exhibits will be posted on the Jacksonville District Regulatory Division internet web page at the following address:

http://www.saj.usace.army.mil/Divisions/Regulatory/permitting_types_general_saj86.htm

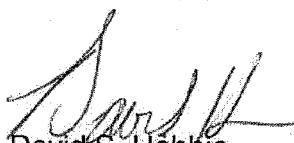
WATERWAY & LOCATION: The reissued SAJ-86 is limited to non-navigable and non-tidal waters, including wetlands, which are located within: 1) The Lake Powell watershed, 2) Various drainage basins of the Choctawhatchee Bay watershed, 3) Various drainage basins of the West Bay watershed, and 4) Two small areas which drain either directly to the Gulf of Mexico, or via the Camp Creek Lake watershed into the Gulf of Mexico, all within an area encompassing approximately 48,150 acres in southeastern Walton County and southwestern Bay County, Florida.

PURPOSE & WORK: The purpose of SAJ-86 is to authorize the discharge of fill or dredged material into non-tidal waters of the United States, including wetlands, for the construction of residential, commercial, recreational and institutional projects and their attendant features, including roads, utility lines and stormwater treatment facilities within an area of rapid residential and commercial development, while protecting the aquatic environment on a watershed scale by authorizing a forward-looking, flexible and predictable permitting program, that would minimize unavoidable direct impacts to highest quality aquatic resources, minimize impacts to lower quality aquatic resources, and mitigate for direct, indirect and cumulative impacts within the affected watersheds of

an approximately 48,150-acre area in southeastern Walton County and southwestern Bay County.

BACKGROUND: No major changes were made to SAJ-86. Several typographical and referencing errors in the text were corrected. The text was edited to clarify that buffers for high quality wetlands are to be included in conservation easements placed over preserved wetlands for individual projects, and to clarify the language regarding which mitigation bank should be utilized for projects located within specific basins in the RGP area. References to the Ecosystem Management Agreement (EMA) between the Florida Department of Environmental Protection (DEP) and St. Joe were updated to reflect that the agreement was executed. Special conditions were updated in response to the delisting of the bald eagle (*Haliaeetus leucocephalus*) under the Endangered Species Act (ESA), the recognition of the western population of flatwoods salamander (*Ambystoma bishopi*) as a new and separate endangered species, an updated evaluation form used for the threatened *Euphorbia telephoides*, and to the required use by the Corps of the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region* (2008).

If you have questions concerning this public notice, you may contact the Corps project manager, Mr. Don Hambrick at the letterhead address, by electronic mail at gordon.a.hambrick@usace.army.mil, by fax at (850)872-0231, or by telephone at (850)763-0717, ext. 25.



David S. Hobbie
Chief, Regulatory Division



REPLY TO
ATTENTION OF

Regulatory Division

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

JUN 23 2009

Department of the Army Permit

**Regional General Permit SAJ-86
SAJ-2004-1861**

**Residential, Commercial, Recreational, and Institutional Fill in the
Choctawhatchee Bay, Lake Powell, and West Bay Basins
Bay and Walton Counties, Florida**

Upon recommendation of the Chief of Engineers, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), general authority is hereby given for the discharge of fill and dredged material into non-tidal waters of the United States, including wetlands, for residential, commercial, recreational, and institutional development in portions of the Choctawhatchee Bay, Lake Powell, and West Bay basins in accordance with the following special conditions:

SPECIAL CONDITIONS:

1. Projects qualifying for SAJ-86 must be authorized under Part IV of Chapter 373, *F.S.* by the Florida Department of Environmental Protection (DEP), Northwest Florida Water Management District (NFWFMD) under Section 373.069, *F.S.*, or a local government with delegated authority under Section 373.441, *F.S.*, as well as any authorizations as required for the use of sovereign submerged lands under Chapters 253 and 258, *F.S.* Water quality certification for a portion of the Regional General Permit (RGP) area may be granted by the Ecosystem Management Agreement (EMA), executed between the DEP and The St. Joe Company (Appendix E) for those projects located within the EMA portion of the RGP area. All of the conditions specified in the EMA water quality certification must be complied with as special conditions to this RGP. All projects outside the EMA area authorized by this RGP will require separate water quality certifications from DEP, NFWFMD, or delegated local government. The conditions specified in such certifications constitute special conditions of this RGP for those specific projects.
2. Surface Water Management Systems for all projects authorized by this RGP shall be designed, constructed, operated, and maintained in compliance with the *Stormwater System Design and Review Criteria Manual, February 2004* (Appendix F).

3. This permit applies to discharges of dredged or fill material into non-tidal waters of the United States for the construction of residential, commercial, recreational and institutional projects, including building foundations, building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, and stormwater management facilities. Residential developments include multiple and single unit developments. Examples of commercial developments include retail stores, light industrial facilities, restaurants, business parks, and shopping centers. Examples of recreational facilities include playgrounds, playing fields, golf courses, hiking trails, bike paths, horse paths, stables, nature centers, and campgrounds. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. This permit applies only to the portions of Bay and Walton Counties, Florida, as depicted on Exhibit 1.

4. This RGP authorizes impacts to wetlands that are defined as low and high quality. Low quality wetlands are wetlands that are planted in pine trees. Low quality wetlands include ditches. High quality wetlands are all other jurisdictional wetlands. Low quality wetlands are typically hydric pine plantations. High quality wetlands are typically cypress domes/strands, bay/gallberry swamps, harvested cypress swamp areas, titi monocultures, and *Hypericum* bogs.

5. Impacts to wetlands must meet all of the following criteria:

a. Impacts to low quality wetlands shall not exceed 20% of the total low quality wetlands in any one sub-basin. The area within a particular sub-basin to be used to make the 20% calculation does not include areas within either mitigation banks or Conservation Units located within the sub-basin. Sub-basins are depicted in Exhibit 2.

b. Projects may impact more than 20% of the low quality wetlands within an individual project site, if cumulative low quality wetland impacts for all approved projects within the sub-basin do not exceed 20% at any time. Examples of how this may occur include:

(1) An individual project impacts only 15% of the low quality wetlands in the project site and the remaining on-site wetlands are preserved through a conservation easement to the DEP. A subsequent project owned by the same applicant within that sub-basin may impact more than 20% of the low quality wetlands in the project site, as long as the total impact to low quality wetlands for all approved projects for the same landowner within the sub-basin does not exceed 20%.

(2) An individual project impacts 30% of the low quality wetlands on the project site. As a part of the project, a sufficient amount of low quality wetlands are preserved through a conservation easement to DEP elsewhere within the same sub-basin so as not to exceed the maximum 20% impact to low quality wetlands for all approved projects within the sub-basin.

c. Impacts to high quality wetlands shall be limited to road and bridge crossings necessary to support the associated development, and shall not exceed a width of 100 feet of combined filling or clearing at each crossing. The aggregate total filling or clearing of high quality wetlands for road crossings within the RGP area shall not exceed 125 acres. The first preference for new high quality wetland road crossings will be at existing silviculture road crossings. Road crossings at locations other than existing silviculture crossings are allowed if the crossing is designed and constructed to minimize wetland impacts. In addition, for each crossing proposed at a point where no previous crossing existed, an existing silviculture road crossing within the sub-basin must be removed and the wetland connection restored. All road or bridge crossings in wetlands shall be designed so that the hydrologic conveyance is not reduced or impaired. Bridging is encouraged wherever practicable. The following factors shall be considered when determining if bridging of the wetlands is practicable: 1) the degree of water flow within the wetland, 2) the length of the wetland crossing, 3) the topography of the wetland and associated upland, and 4) the degree to which a roadway would adversely affect the movement of wildlife expected to use the wetland.

d. All wetlands not authorized for impact on each project site shall be preserved. Conservation easements shall be placed over such wetlands (see Special Condition 15.b.). Individual project sites, including offsite preservation areas to meet the requirement in Special Condition 5.b.(2) above, shall have reasonable boundaries that include intermixed and adjacent low and high quality wetlands.

6. No fill material may be placed in wetlands for septic tanks or drainfields.

7. Buffers are required around Lake Powell. A 100-foot buffer between the lake from the ordinary high water line (OHWL) and development is required in Walton County. A 30-foot buffer between the lake from the OHWL and development is required in Bay County. All buffers, whether upland or wetland, will be preserved and maintained in a natural condition, except boardwalks for dock access and on-grade trails. Buffers may be enhanced or restored to a more natural condition. Application of fertilizers, herbicides, or pesticides is prohibited in all buffers.

8. In general, low quality wetlands shall buffer high quality wetlands throughout the RGP area. Except at road crossings on a per project basis, upland and/or low quality wetland buffers adjacent to high quality wetlands shall be an average of 50 feet wide, with a minimum 30-foot width for each individual project. All buffers, whether upland or wetland, will be preserved and maintained in a natural condition, except for the construction of boardwalks for dock access and on-grade trails. Buffers may be enhanced or restored to a more natural condition. Application of fertilizers, herbicides, or pesticides is prohibited in all buffers.

9. Only clean fill and rock material compatible with existing soils (e.g., soil, rock, sand, marl, clay, stone, and/or concrete rubble) shall be used for wetland fills.

10. No wetland fill shall sever a jurisdictional connection or isolate a jurisdictional area.

11. Compensatory Mitigation:

a. Compensatory mitigation for individual project wetland impacts may be satisfied within: 1) two specified regional offsite mitigation banks, 2) designated Conservation Units, or 3) within the project area. However, mitigation at a mitigation bank shall not be an available option for a project within the Lake Powell basin. Mitigation for projects within the Lake Powell basin can only be located within the Lake Powell basin. Mitigation for impacts within the Lake Powell basin can be within the project site, or within a designated Conservation Unit in the Lake Powell basin.

b. The first priority for compensatory mitigation of permitted wetland impacts in the RGP area, except for impacts within the Lake Powell basin as described above, is restoration/ enhancement-based activities at one of the two following mitigation banks: 1) the Breakfast Point Mitigation Bank for projects within the Breakfast Point Basin; and 2) the Devils Swamp Mitigation Bank for projects within the Devils Swamp Basin. The location of the two mitigation banks and their respective basins within the RGP area, as well as the Lake Powell basin, are depicted in Exhibits 1, 3 and 4.

c. The Corps on a case-by-case basis may approve compensatory mitigation projects located within the conservation units or on individual project sites.

d. Compensatory mitigation credits and debits are defined in terms of functional units (FU), as determined using the *Wetland Rapid Assessment Procedure (WRAP)*, Technical Publication REG-001, September 1997. Each acre of impact to low quality wetlands shall be valued at 0.65 FU, and each acre of impact to high quality wetlands shall be valued at 0.92 FU.

e. Compensatory mitigation will occur prior to or be implemented concurrent with permitted impacts.

12. Compensatory mitigation projects required for projects authorized by this RGP must be maintained in perpetuity in the enhanced/restored ecological condition, as described in the individual compensatory mitigation project's plan.

13. Mitigation Banks:

a. The two mitigation banks shall be constructed, managed and monitored according to the mitigation bank instruments, included as Appendices A (BPMB) and B (DSMB).

b. The number of wetland mitigation credits and the release schedule for credits in each mitigation bank are provided in the mitigation bank plans referenced above. For individual projects, which utilize a mitigation bank, the sum of impact FUs shall be

debited from the appropriate mitigation bank within 30 days of individual project approval under this RGP.

c. Ownership or interest in a mitigation bank, other than sale of mitigation credits to a third party, may only be transferred to a governmental agency for conservation purposes, or to a 501c(3) conservation organization. If a mitigation bank, or any part thereof or any interest therein, is conveyed to a subsequent conservation owner, St. Joe will ensure that the new owner be bound by the conditions and requirements of the mitigation bank plan, as required by this RGP. Prior to the conveyance, the Corps must approve the instrument(s) that ensure compliance with the RGP and mitigation bank plan, and may require execution of a subsequent agreement with the conservation owner to provide for continued compliance with the approved mitigation plan. The Corps' approval of the assurance instruments shall be contingent on the conservation owner providing reasonable assurance that such owner has the technical and financial resources to comply with the approved mitigation bank plan.

14. Conservation Units:

a. Ten Conservation Units (Exhibits 5 through 15) will be excluded from development and preserved under the conditions listed below by the St. Joe Company, commencing with the first authorization issued under this RGP for any project of the St. Joe Company or any of its constituent companies.

b. Conservation Units may only be used for conservation purposes, wetland or habitat mitigation, and limited passive recreational purposes. The uses and activities authorized in the Conservation Units are limited to the following:

(1) Wetland and upland habitat enhancement and restoration.

(2) Forest management shall be conducted so as to enhance conservation and habitat restoration, using Best Management Practice's and uneven age management regimes in accordance with the *Principles for Forest and Wildlife Management of Conservation Units within the Regional General Permit Area and Ecosystem Agreement Area* (Appendix C). Timber management for the sole purpose of timber production is prohibited. No timbering of cypress or wetland hardwoods will occur in Conservation Units. Clear cutting is prohibited except as allowed in the referenced management plan.

(3) Hunting pursuant to properly issued hunting permits, fishing, and birding.

(4) Prior approval from the Corps is required for construction of nature trails, boardwalks, gathering shelters, restroom facilities and other similar passive recreational activities in the Conservation Units. These activities shall result in no more than minimal impacts to the Conservation Units. Additional activities may be approved

after review by the Corps, and only if the Corps determines the proposed activity to be consistent with the purpose of this RGP.

(5) Wetland mitigation.

(6) Effluent disposal, including necessary transmission lines, distribution facilities, and attendant structures, in the Cypress and Wet Pine Flats Conservation Unit, if authorized by separate DEP and Corps permits. Treatment facilities shall not be allowed in the Conservation Unit.

(7) Reinstitution of fire regime, including necessary firebreaks, which mimics natural conditions.

(8) Incorporation into adjacent developments as open space and limited to the uses outlined above.

(9) Maintenance of roads and ditches where needed to implement activities listed above.

(10) Construction of five new or improved road crossings, as shown on Exhibit 16. Crossing Number 4, through the Wildlife Corridor Conservation Unit, shall be bridged. These road crossings shall be subject to the road crossing criteria and wetland impact limitations as required in Special Condition number 4 above.

(11) Activities needed to maintain, in current condition, existing access within and through the Conservation Units. With the exception of the crossings identified in Special Condition number 13b(10) above, these do not include activities to improve, enlarge or relocate such access.

c. By February 15th of each year, The St. Joe Company shall have placed perpetual conservation easements with the DEP as the grantee (or ensure that conservation easements are placed on sold or transferred parcels) on portions of Conservation Units equal to the percentage of the total acreage of approved projects in each sub-basin. To determine the acreage of the Conservation Units that must be placed under an easement:

(1) Using the EMA area only, divide the total acreage within an approved project boundary in a sub-basin (including impact and preserved area) by the total acreage of land within the sub-basin minus the area of any conservation units with the same sub-basin.

(2) This percentage of the Conservation Units in each sub-basin shall be placed under a conservation easement by the end of each annual reporting period.

(3) The cumulative acreage of Conservation Units conveyed to governmental entities or 501c (3) conservation organization buyers shall count toward the acreage placed under a conservation easement.

d. Sale or transfer of a Conservation Unit is limited to a governmental entity or 501c (3) private conservation owner, and only when the requirements in special condition numbers 14a & 14b are met. If Conservation Units, or any portion thereof or interest therein, are conveyed to subsequent owners, if not already subject to a conservation easement pursuant to Special Condition number 14c above, The St. Joe Company shall place conservation easements on such property to assure the perpetual conservation use of the Conservation Units as described in Special Condition 14b above. The perpetual conservation easement shall be in the form of Exhibit 17. Within seven days of conveyance of any portion or interest of a Conservation Unit, The St. Joe Company shall provide to the new owner a complete copy of the RGP, including the Biological Opinion (Appendix D). Written assurance that a complete copy of the RGP has been given and received shall be provided to the Corps by The St. Joe Company within fourteen days of any such conveyance. The written assurance shall consist of a letter to the Corps stating that the exchange has taken place and shall be signed by the appropriate representatives of The St. Joe Company and the new owner.

15. Conservation Easements. This section addresses the placement of conservation easements, as required by this RGP, under four different scenarios:

a. Perpetual conservation easements placed on Conservation Units as described in Special Condition 14c above. The easement shall be in the form of Exhibit 17.

b. Perpetual conservation easements with the DEP as the grantee will be placed on wetlands, not authorized for impact on each project site; and will include any buffers, as required by Special Condition 8 above. The conservation easements will be in place following individual project approval, but prior to commencing any activities authorized by this RGP or according to the timeframe specified in the approval. The easement shall be in the form of Exhibit 18.

c. Perpetual conservation easements with the DEP as the grantee will be placed on each mitigation bank, or each approved phase of a mitigation bank, prior to commencing any activities authorized by this RGP on an individual project that will use the mitigation bank or a phase of the mitigation bank for mitigation. The easement shall be in the form of Exhibit 18.

d. For compensatory mitigation conducted outside of a mitigation bank, a perpetual conservation easement with the DEP as the grantee, will be placed on the mitigation area prior to commencing any activities authorized by this RGP on the individual project for which the mitigation is approved. The easement shall be in the form of Exhibit 18.

e. In addition to the above, the following shall apply for all conservation easements and deed restrictions:

(1) The permittee shall have the conservation easement, including a legal description, survey, and scaled drawings, of the areas in question, prepared and sent to the Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019, for legal review and approval.

(2) Within 30 days of U.S. Army Corps of Engineers' approval of the proposed easement, the permittee shall record the easement or deed restriction in the public records of Bay or Walton County, Florida. A certified copy of the recorded document, plat, and verification of acceptance from the grantee will be forwarded to the Jacksonville District Office.

(3) The Permittee must show that it has clear title to the real property and can legally place it under a conservation easement. Along with the submittal of the draft conservation easement, the Permittee shall submit a title insurance commitment, in favor of the grantee, for the property that is being offered for preservation. Any existing liens or encumbrances on the property must be subordinated to the conservation easement. At the time of recordation of the conservation easement, a copy of a title insurance policy written in favor of the DEP must be provided to the Corps in an amount equal to the current market value of the property.

(4) In the event the permit is transferred, proof of delivery of a copy of the recorded conservation easement to the subsequent permittee or permittees must be submitted to the Corps together with the notification of permit transfer.

(5) Grantee shall not assign its rights or obligations under a conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws, including §704.06 Florida Statutes, and committed to holding this conservation easement exclusively for conservation purposes. The Corps shall be notified in writing of any intention to reassign the conservation easement to a new grantee and must approve selection of the grantee. The new grantee must accept the assignment in writing and deliver a copy of this acceptance to the Corps. The conservation easement must then be re-recorded and indexed in the same manner as any other instrument affecting title to real property, and a certified copy of the recorded conservation easement shall be furnished to the Corps.

16. Monitoring and reporting requirements specific to The St. Joe Company:

a. Use of this RGP for any project by The St. Joe Company makes the company responsible for b. and c. below.

b. The St. Joe Company shall submit monitoring reports related to the mitigation banks, as specified in Appendices A and B.

c. The St. Joe Company shall establish and maintain a GIS-based ledger and map depicting the amount, type and percentage of wetland impact and mitigation implemented in the EMA area. An updated ledger balance sheet demonstrating compliance with this RGP shall be submitted with each individual request for project approval. The ledger shall include the following by sub-basin:

- (1) Total high quality and low quality wetlands in the EMA area.
- (2) Total project size – uplands and wetlands.
- (3) Project impacts – high quality and low quality amount and percent of total.
- (4) Mitigation required and location.
- (5) Cumulative project impacts (acreage total and percentage).
- (6) Total wetlands by quality remaining in the EMA area.
- (7) The St. Joe Company shall submit an annual report by February 15 of each year for the proceeding calendar year identifying:
 - (a) The location and acreage of any mitigation activity undertaken;
 - (b) Deed Restrictions and Conservation Easements recorded;
 - (c) Conservation Units or Mitigation Banks conveyed to other owners;
 - (d) Activities undertaken within Conservation Units; and
 - (e) Other activities that may impact this RGP.

17. For the purposes of Section 404 of the Clean Water Act under this RGP, the identification and delineation of wetlands must be in accordance with the most recent guidance and wetland delineation manual or manual supplement issued by the Corps. As of the date of reissuance of this RGP, applicants should use the *Interim Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region (2008)*. Wetlands may be delineated using aerial photo-interpretation (API) and ground-truthing, and, if necessary, mapped using the Global Positioning System (GPS) and other Geographical Information System (GIS) mapping techniques. In much of the project area, historical aerial photography will be used to obtain pre-pine plantation wetland community signatures. If a construction line falls within 250 feet of a wetland boundary, estimated using the method described in this paragraph, then a formal field wetland jurisdictional determination will be required for that segment of the proposed project

18. Endangered and Threatened Species: This RGP does not authorize the take of an endangered species, with the exception of the flatwoods salamander, *Ambystoma cingulatum*. In order to legally take a listed species, separate authorization under the Endangered Species Act (ESA) is required (e.g., an ESA section 10 permit, or a biological opinion (BO) under ESA section 7, with "incidental take" provisions with which permittees under this RGP must comply). The enclosed U.S. Fish and Wildlife Service (FWS) BO (Appendix D) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with the "incidental take" that is specified in the BO. Authorization under this RGP is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated herein by reference. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, will constitute an unauthorized take, and will also constitute non-compliance with this RGP. The FWS is the appropriate authority to determine compliance with the terms and conditions of its BO, and with the ESA.

19. No work is authorized under this RGP on properties listed or eligible for listing in the *National Register of Historic Places* (see Special Condition 20a(7) below).

20. Individual Project Approval:

a. The evaluation process to determine if an individual project conforms to the requirements and criteria of this RGP shall begin with a pre-application meeting to which the appropriate representatives from the Corps, DEP, USFWS, NMFS, EPA and NFWFMD are invited. The primary purpose of the pre-application process is to identify and produce preliminary data necessary for evaluation during the application phase and to conduct an informal analysis of the project and evaluate how it complies with the RGP criteria. The pre-application meeting shall also provide an opportunity to discuss the proposed project design and the opportunity for habitat corridors between on-site wetlands, the Conservation Units, and other wetlands in the RGP area. At the pre-application meeting, the following information will be provided:

(1) Scope of the Project – Type of project and how it comports with activities authorized by the RGP.

(2) Location / Project Boundaries – Exhibits showing general project location within the Project Area boundaries and specific location (1"=200' or other appropriate scale).

(3) The identification and delineation of wetlands must be in accordance with the most recent guidance and wetland delineation manual or manual supplement issued by the Corps. As of the date of reissuance of this RGP, applicants should use the *Interim Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain Region (2008)*. Wetlands may be delineated using API and ground-truthing, and if necessary, mapped using GPS and other GIS

mapping techniques. In much of the project area, historical aerial photography will be used to obtain pre-pine plantation wetland community signatures. If the construction line falls within 250 feet of a wetland boundary estimated using the method described in this paragraph, then a formal field wetland jurisdictional determination will be required for that segment of the proposed project.

(4) Maps of high quality and low quality wetlands onsite. For sites within the EMA area, the existing high quality/low quality wetland map shall be used as a starting point for delineation of onsite wetlands (Exhibit 19). During or after wetland boundaries have been established using the method described in 19a(3) above, the resulting wetland areas will be classified and mapped by quality, as defined in special condition number 3 above. The procedure will use a combination of GPS technology, visual inspection of photography, and ground-truthing. Additional data that may be used including overlays involving timber stand data.

(5) Proposed Wetland Impacts. The number, type, location, and acreage of all wetland impacts, as well as drawings and other exhibits that sufficiently depict that the proposed project fully complies with this RGP.

(6) Stormwater management systems for projects authorized under this RGP area will be in accordance with the *Stormwater System Design and Review Criteria Manual, February 2004* (Appendix F). A signed statement by a Florida licensed engineer which verifies that the project conforms to the aforementioned manual will be submitted.

(7) Documentation of coordination with the State Historic Preservation Officer (SHPO). When required by the SHPO, the applicant shall conduct a Phase I archeological and historical survey on each individual project site. This information shall be provided to the SHPO and the Corps, so that measures can be identified to avoid, minimize or mitigate adverse impacts to historic properties listed, or eligible for listing in the *National Register of Historic Places*, or otherwise of archeological or historical value.

(8) Reticulated Flatwoods salamander (*Ambystoma bishopi*): Documentation of a site evaluation for the reticulated flatwoods salamander shall be provided by completion of the *RGP-86 Flatwoods Salamander Pre-application Evaluation* (Exhibit 20).

(9) Bald Eagle (*Haliaeetus leucocephalus*): Documentation shall be provided that states whether or not a bald eagle's nest is located on or in the vicinity of the project site. If a bald eagle's nest occurs within 660 feet of a project, the applicant should follow the U.S. Fish and Wildlife Service's May 2007 National Bald Eagle Management Guidelines. The applicant should also contact the Florida Fish and Wildlife Conservation Commission for recommendations relative to Florida's Bald Eagle Management Plan and Permitting Guidelines to ensure the project is consistent with the provisions of Rule 68A-16.002, Florida Administration Rule. Appropriate protections

shall be incorporated in the project and documentation shall be provided showing how the appropriate protections will be implemented.

(10) Telephus Spurge (*Euphorbia telephioides*): Documentation of a site evaluation for Telephus spurge shall be provided by the completion of the *RGP-86 Telephus Surge Pre-application Evaluation* (Exhibit 21).

b. Application to the Corps for individual projects under this RGP will be made using the form *Joint Application for Works in the Waters of Florida Form #62-312.900*. The exhibits and information referenced in special condition number 20a above shall be included in their final form with the application. No regulated work may proceed until after written authorization under this RPG has been issued.

21. On a case-by-case basis, the Corps may impose special conditions that are deemed necessary to minimize adverse environmental impacts.

22. Failure to comply with all conditions of the Federal authorizations under this Permit will constitute a violation of the Federal authorization.

23. Self-Certification: Within 60 days of completion of the work authorized and mitigation (if applicable), the attached "Self-Certification Statement of Compliance" must be completed and submitted to the U.S. Army Corps of Engineers. Mail the completed form to the Regulatory Division, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. A copy of the "Self-Certification Statement of Compliance" must also be provided to the DEP at Florida Department of Environmental Protection, SLERP, 160 Governmental Center, Suite 202, Pensacola, Florida 32501.

24. This Permit will be valid for 5 years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies will conduct periodic reviews, which will include compliance reviews, to determine if continuation of the permit is not contrary to the public interest. The permit can be reissued for 5-year periods indefinitely, if it is found not to be contrary to the public interest.

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on _____. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a

good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest

decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

A handwritten signature in dark ink, appearing to read "David Hobbie", with a stylized flourish at the end.

David S. Hobbie
Chief, Regulatory Division

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST
FOR REGIONAL GENERAL PERMIT SAJ-86

PERMIT NUMBER: _____

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Panama City Regulatory Office, 475 Harrison Avenue, Suite 202, Panama City, FL 32401.

(TRANSFeree-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(MAILING ADDRESS)

(CITY, STATE, AND ZIP CODE)

SELF-CERTIFICATION STATEMENT OF COMPLIANCE
FOR REGIONAL GENERAL PERMIT SAJ-86

Permit Number: _____

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.): _____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date